

For discussion
On 26 February 2001

Legislative Council Panel on Economic Services

Maintenance and Repair of Gas Service Pipes along External Walls of Private Premises

INTRODUCTION

In 1998, the Tuen Mun Provisional District Board wrote to the Chairman of this Panel to express concern about the responsibility for maintenance and repair of gas service pipes laid along the external walls of private premises.

2. This paper serves as a coordinated Administration's response to Members' request for a briefing on this subject. It sets out the maintenance and repair responsibility for gas service pipes laid along external walls of private buildings, as well as the common maintenance arrangements for these pipes.

Maintenance Responsibility for Gas Service Pipes on External Walls

3. Gas service pipes laid on the external walls of buildings, commonly known as gas risers, are pipes which connect underground gas mains to the meter control valves of individual flats on different floors of a building. They usually serve more than one flat.

4. Section 2 of the Building Management Ordinance (BMO) (Cap. 344) defines "common parts" of a building as –

“(a) the whole of a building, except such parts as have been specified or designated in an instrument registered in the Land Registry as being for the exclusive use, occupation or enjoyment of an owner; and

(b) unless so specified or designated, those parts specified in the First Schedule.” (copy at Annex A)

Although not specifically specified in the First Schedule to the BMO, the gas risers may be treated as common parts of the building as such facilities may reasonably be regarded as “*installations intended for the use and*

benefit of all of the owners generally”, as stipulated in paragraph 10 of the First Schedule to the BMO.

5. Section 18 of the BMO provides, among other things, that the Owners’ Corporation (OC) shall “*maintain the common parts and the property of the corporation in a state of good and serviceable repair and clean condition*”.

MAINTENANCE ARRANGEMENT

6. The actual maintenance arrangement would depend on the ownership of the gas risers and the arrangement the owners made for such maintenance.

Towngas Risers

7. For private buildings to be supplied with Towngas, the developer usually appoints a registered gas contractor to install the gas supply system, including the gas risers, during the construction stage. There are currently 259 registered gas contractors including the Hong Kong and China Gas Company Limited (HKCG) to undertake such work. The ownership of the risers would depend on the terms of the contract between the developer and registered gas contractor. The responsibility for their maintenance and repair, like that for other common parts, rests with all flat owners or the OCs, in accordance with the Building Management Ordinance and the relevant terms and conditions as stipulated in the Deed of Mutual Covenant (DMC), if any.

8. Registered gas contractors usually provide a warranty period of one year for the gas risers installed by them. During the warranty period, free maintenance service on the basis of fair wear and tear would be provided. Thereafter, the arrangement and payment for the maintenance of gas risers would depend on the terms and conditions of the DMC, or any contractual agreement between the OC and the registered gas contractor.

Liquefied Petroleum Gas Risers

9. For buildings to be supplied with piped-LPG, the normal practice is for the developer to tender out the installation of the piped-LPG network, together with its ownership and maintenance responsibility, as well as the exclusive right to supply LPG for a specified period (usually lasting for at least 10 years) at one go. Depending on the exact terms of

the contract between the developer and the LPG supply company, the latter is usually responsible for the maintenance of the entire piped-LPG network including gas risers.

Transfer of Title of Gas Risers to Towngas

10. The background, reasons and arrangement for Towngas' offer to building owners to transfer the ownership of their gas risers to the company in return for provision of free maintenance and replacement service is set out in the paper provided by Towngas at Annex B.

11. Members may wish to note that under Regulation 9 of the Gas Safety (Registration of Gas Supply Companies) Regulation, it shall be the duty of every registered gas supply company to, among other things, conduct its operations in a safe manner so that members of the public are not exposed to undue risks from gas. Accordingly, the HKCG and LPG suppliers supplying Towngas and LPG respectively to premises are required to ensure, inter-alia, the safety of the gas supply systems, and to take appropriate action to deal with all cases posing safety risks. The action required would depend on the nature and seriousness of the risks involved, which may range from notifying the owners of minor routine maintenance works required, to terminating gas supply to a defective system in the case of emergency.

12. Concerns have been raised as to whether OCs have the capacity to enter into agreements to transfer the titles of gas risers to HKCG in return for free maintenance service. It is incumbent upon individual OCs to examine the terms and conditions of their DMC carefully, and seek advice from their legal advisors if necessary. OCs may also approach the Building Management Resources Centres of the Home Affairs Department for free legal advice from lawyers from the Law Society on duty at the Centre.

**Building Management Ordinance
(Cap. 344)**

FIRST SCHEDULE

[s. 2]

COMMON PARTS

1. External walls and load bearing walls, foundations, columns, beams and other structural supports.
 2. Walls enclosing passageways, corridors and staircases.
 3. The roofs, chimneys, gables, gutters, lightning conductors, satellite dishes and ancillary equipment, acrias and aerial cables. (*Amended 27 of 1993 s. 38*)
 4. Parapet walls, fences and boundary walls.
 5. Vents serving 2 or more flats. (*Amended 27 of 1993 s. 42*)
 6. Water tanks, reservoirs, pumps, wells, sewers, sewage treatment plants, drains, soil pipes, waste pipes, channels, water-courses, gutters, ducts, downpipes, cables, conduits, refuse chutes, hoppers and refuse container chambers. (*Amended 27 of 1993 s. 38*)
 7. Cellars, toilets, water closets, wash houses, bathhouses, kitchens and caretakers' flats.
 8. Passageways, corridors, staircases, landings, light wells, staircase window frames and glazing, hatchways, roofways and outlets to the roofs and doors and gates giving access thereto.
 9. Lifts, escalators, lift shafts and machinery and apparatus used in connexion therewith and the housing thereof.
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10. Lighting apparatus, air conditioning apparatus, central heating apparatus, fire fighting equipment and installations intended for the use and benefit of all of the owners generally and any room or chamber in which such apparatus, equipment or installation is fitted or installed.
 11. Fixtures situated in a flat which are used in connexion with the enjoyment of any other flat or other portion of the building.
 12. Lawns, gardens and playgrounds and any other recreational areas. (*Added 27 of 1993 s. 38*)
 13. Swimming pools, tennis courts, basket-ball courts, squash courts and premises containing or housing any other sporting or recreational facilities. (*Added 27 of 1993 s. 38*)
 14. Clubhouses, gymnasiums, sauna rooms and premises containing health or leisure facilities. (*Added 27 of 1993 s. 38*)
 15. Slopes, gradients and retaining walls including sea walls (if any) comprising or forming part of any land which is in common ownership with the building. (*Added 27 of 1993 s. 38*)

Towngas's Service Risers Maintenance

Towngas as an Registered Gas Contractors (RGC)

The Hong Kong and China Gas Company (Towngas) is one of the 259-strong Registered Gas Contractors (RGC) in Hong Kong, who are licensed to construct, test and maintain gas risers of residential developments as well as commercial and industrial establishments.

Responsibility of Riser Maintenance

Similar to electricity cables and water and sewage pipes, once gas risers are installed in a building, they form part of the common fixtures of the building; unless otherwise agreed, they belong to the building owners. The responsibility and cost of maintaining gas risers and other utilities in good order and safe condition lies with the building owners and not with the relevant utility or facility provider. The Building Management Ordinance Cap. 344 Sections 14(1) and 16 are set out below as reference-:

14(1) Powers of corporation generally

...at a meeting of corporation any resolution may be passed with respect to the control, management and administration of the common parts ... and any such resolution shall be binding on the management committee and all the owners.

16 Rights etc. of owners to be exercised etc. by corporation

When the owners of a building have been incorporated under section 8, the rights, powers, privileges and duties of the owners in relation to the common parts of the building shall be exercised and performed by the corporation to the exclusion of the owners...

Monthly Maintenance Charge

Some consumers have a misconception that the gas riser maintenance cost could be covered in the monthly maintenance charge (MMC) included in the gas bill. This scheme in fact only covers labour for appliance maintenance and repair, on-demand appliance check-ups and safety inspection of gas installation inside

the premises. Consumers are informed about the services covered by MMC through information leaflets, brochures, meetings and so on.

MMC does not and should not cover the cost of maintaining gas risers which are common fixtures of the building. If MMC also covers gas riser maintenance, then the fees will be higher, and Towngas users would have to subsidize the repair of defective risers caused by the building management's improper maintenance. The fairer arrangement is for the cost to be paid directly for the repair work as it occurs; in that case, only those owners whose buildings are not properly maintained need to pay for the maintenance. This concept is constantly communicated to customers through various channels.

Regular inspection of gas risers

Being a gas supplier, Towngas has the responsibility of conducting regular inspections of gas risers to ensure that safety is intact. Our policy is to advise building owners or the estate management, in writing, of problems identified during those safety inspections and recommend appropriate remedial works. Most of the problems of gas risers are due to serious corrosion. We also give free consultation on work required to maintain the risers in good condition.

Some of the reasons for gas risers corrosion

1. In the last two decades, more building developments have adopted the mosaic tile external finishing. Acid washes, with uncontrolled concentration used in cleaning of these tiles, will damage the outer protection layers of the gas risers rendering them susceptible to corrosion.
2. The recent adoption of PVC sewers has also resulted in more sewage pipe joints bursting contaminating the nearby common facilities including gas risers with corroding toilet flushing water and other discharges.
3. Sometimes the gas pipes are confined in add-on structure or semi-embedded in concrete that is improperly installed in the building. Other times the gas pipe location, such as a light well or flat roof, is not regularly cleaned.

Depending on the degree of the problem Towngas sometimes has to undertake remedial works for the sake of ensuring safety of gas supply and charge the

owners the costs of performing those works afterwards. We also provide an emergency service in the event of gas escapes in which we either shut off supply to the gas risers in question, or make provisional repairs so as to temporarily resume supply. In most cases the latter option is followed.

Transfer of Ownership as an option

Proper maintenance of gas risers requires a rolling programme of inspections, maintenance, repairs and replacements. Some building owners are unwilling to take up the responsibility to bear the riser maintenance costs, or have problem in raising the maintenance fund. They then take the risk of allowing the gas pipes to deteriorate, which may possibly lead to gas leakage.

One of the practical solutions is for Towngas to offer building owners an option to transfer the ownership of their gas risers to the Company and we will then provide all maintenance and replacement service free of charge. We offer the agreement only when requested by the building management office or Incorporated Owners Committee to provide an alternative for maintaining the integrity of the gas risers within their estates at no cost to them. Under this arrangement, Towngas will assume the responsibility for all subsequent maintenance, repair and replacement costs. It is entirely the building owners' choice to accept or reject the agreement.

In the transfer agreement, we clearly specify the rights and obligations of both building owners and Towngas, the costs incurred for the repair work done and the termination arrangement.